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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
10/517,150	06/27/2005	Javier Gomez Mimbiela	MIMBIELAI	1225	
BROWDY AND NEIMARK, P.L.L.C. 624 NINTH STREET, NW			EXAM	EXAMINER	
			· PEDDER,	PEDDER, DENNIS H	
SUITE 300 WASHINGTO	N, DC 20001-5303		ART UNIT	PAPER NUMBER	
,		3612			
. SHORTENED STATUTOR	Y PERIOD OF RESPONSE	MAIL DATE	DELIVER	DELIVERY MODE	
3 MONTHS		02/08/2007	PA	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

	Application No.	Applicant(s)		
	10/517,150	GOMEZ MIMBIELA ET AL.		
Office Action Summary	Examiner	Art Unit		
	Dennis H. Pedder	3612		
The MAILING DATE of this communication app Period for Reply	ears on the cover sheet with the c	orrespondence address		
A SHORTENED STATUTORY PERIOD FOR REPLY WHICHEVER IS LONGER, FROM THE MAILING DA - Extensions of time may be available under the provisions of 37 CFR 1.13 after SIX (6) MONTHS from the mailing date of this communication. - If NO period for reply is specified above, the maximum statutory period w - Failure to reply within the set or extended period for reply will, by statute, Any reply received by the Office later than three months after the mailing earned patent term adjustment. See 37 CFR 1.704(b).	ATE OF THIS COMMUNICATION 36(a). In no event, however, may a reply be tim vill apply and will expire SIX (6) MONTHS from cause the application to become ABANDONE	N. nely filed the mailing date of this communication. D (35 U.S.C. § 133).		
Status				
Responsive to communication(s) filed on 19 Ja This action is FINAL. 2b) ☐ This Since this application is in condition for allowar closed in accordance with the practice under E	action is non-final. nce except for formal matters, pro			
Disposition of Claims				
4) ⊠ Claim(s) 1 and 3-5 is/are pending in the application 4a) Of the above claim(s) is/are withdraw 5) □ Claim(s) is/are allowed. 6) ⊠ Claim(s) 1 and 3-5 is/are rejected. 7) □ Claim(s) is/are objected to. 8) □ Claim(s) are subject to restriction and/or	vn from consideration.	·		
Application Papers				
9)⊠ The specification is objected to by the Examine 10)⊠ The drawing(s) filed on <u>07 December 2004</u> is/a Applicant may not request that any objection to the Replacement drawing sheet(s) including the correct 11)□ The oath or declaration is objected to by the Ex	re: a) \square accepted or b) \boxtimes objected are along accepted or b) sobjected are defined as \square objection is required if the drawing(s) is objected.	e 37 CFR 1.85(a). jected to. See 37 CFR 1.121(d).		
Priority under 35 U.S.C. § 119				
 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some * c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). * See the attached detailed Office action for a list of the certified copies not received. 				
Attachment(s) 1) Notice of References Cited (PTO-892) 2) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date	4) Interview Summary Paper No(s)/Mail Da 5) Notice of Informal P 6) Other:	ate		

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DETAILED ACTION

Claim Rejections - 35 USC § 112

- 1. The following is a quotation of the second paragraph of 35 U.S.C. 112:
 - The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
- 2. Claims 1, 3-5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 is indefinite as it does not appear that a shaft is incorporated "onto" the main body of the visor.

Claims 3 and 4 lack antecedent for "the central body".

Drawings

3. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the two sockets, claim 3, must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the

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drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Applicant's amendment to the specification at page 6 in this regard is inadequate to explain any "sockets" via a cut line.

Specification

4. The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

5. Claim 3 is rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention. No structure corresponding to a socket is apparently disclosed, nor understood.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

- 7. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).
- 8. Claims 1, 3-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over Viertel et al. in view of Mukai et al and Iwanami et al..

Viertel et al. disclose a visor made of polypropylene, a recyclable thermoplastic material with a frame 6. Viertel et al. does not disclose a cover.

Mukai et al. teach that prior to the invention of applicant, it was known in the art of injection molding to cover a frame 3 of polypropylene with a decorative cover, the cover being SEBS.

Iwanami et al. teach that SEBS is not only a thermoplastic, but is recyclable.

It would have been obvious to one of ordinary skill to provide in Viertel et al. a cover of thermoplastic as taught by Mukai et al. for the reasons stated above, the cover being recyclable as taught by Iwanami et al. in order to reduce industrial waste.

As to claim 3, as best understood, such "butterfly" visor frames are common knowledge in the art and not the invention of applicant, a known structure for forming a visor frame.

As applicant has not challenged this statement of judicial notice, it is made final.

As to claim 5, see the blow molding frame of Viertel et al.

Response to Arguments

9. Applicant's arguments filed 1/19/2007 have been fully considered but they are not persuasive. Viertel teaches no cover being necessary. Mukai et al. teach a cover of recyclable material over polypropylene forms a decorative surface. The prior art encompasses both and therefore applicant cannot be granted a patent for this teaching as the art is not advanced by such, already encompassing the teaching, freely available to all, including applicant.

Conclusion

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

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Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis H. Pedder whose telephone number is (571) 272-6667. The examiner can normally be reached on 5:30-2:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenn D. Dayoan can be reached on (571) 272-6659. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Dennis H. Pedder Primary Examiner

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DHP 2/5/2007